

REMARKS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Initially, the Examiner determined that claims directed towards two (2) patentably distinct inventions are presented in the present application, and has required Applicant to elect a single invention for prosecution on the merits. The inventions identified by the Examiner are:

Group I. Claims 1 and 2, drawn to an automatic sampler, classified in
class 436, subclass 49.

Group II. Claims 3 and 4, drawn to a method of rinsing a needle of an
autosampler, classified in class 210, subclass 656.

As indicated in the telephone conversation of 6/26/2007, the Applicant hereby elects, without traverse, Group I, claims 1 and 2, for further prosecution on the merits.

As a provisional election was made in the above noted telephone conversation, the Examiner was able to reach the merits of the elected claims. In the present Office action, the Examiner rejected claims 1 and 2 under 35 U.S.C. 102(b) as being anticipated by Goto et al. (JP3142606). The rejection is traversed for the following reasons.

The invention defined in claim 1 is directed towards an automatic sampler for injecting a sample into a sample introducing portion. A needle used to suck and

inject the sample is rinsed between uses, utilizing at least one of a first rinsing section where the rinsing liquid in a rinsing bath is not exchanged during the rinsing operation, and a second rinsing section where the rinsing liquid in a rinsing bath is exchanged during the rinsing operation.

Goto teaches a method and device for rinsing an automatic sampler. Based upon a careful review of the Goto reference, it is believed that the Examiner has misinterpreted the method and device taught in Goto. Specifically, Goto teaches an automatic sampler wherein the needle is rinsed by drawing rinsing liquid directly into the needle itself. Once the rinsing liquid is drawn into the needle, the rinsing liquid is then expelled from the needle and into an empty tub. The expelled liquid in the tub is then discharged from the tub. Goto does not teach a rinsing section wherein the rinsing liquid in a bath is exchanged during the rinsing apparatus.

With reference to Goto, the teaching of the reference will be explained in detail. Goto teaches that a needle (the tip of an absorption tube) is inserted into a tub containing a washing liquid. The washing liquid is then brought into the needle and tube in the same manner as the needle and tube draw in the sample liquid. The needle is then moved towards a tub which has a discharge outlet disposed in its bottom. The rinsing liquid is released (emitted) from the needle and tube into the tub (in a direction in reverse of the absorbing direction). Finally, once the rinsing liquid is discharged from the needle and tube into the tub, the discharge outlet of the tub "forcibly" discharges the liquid (likely utilizing the "vacuum" referred to in the specification and shown in the figures). For such an embodiment to work, the tub (the washing port) is, ideally, empty prior to receiving the emitted rinsing liquid from the needle and tube.

Goto also teaches that a plurality of different washing liquids can be prepared and utilized sequentially. This teaching is directed to an embodiment described in the specification wherein certain sample liquids are compounds, and therefore require different rinsing agents to fully rinse the needle and tube of all portions of the compound sample liquid. It is noted that, once again, absorption and emission are in reference to the rinsing liquid being drawn into the needle and tube.

Further, Goto teaches using a washing bottle for storing the washing liquid. With this embodiment, the liquid in the washing bottle is drawn into the needle by dipping the needle into the washing bottle. Again, the rinsing liquid in the washing bottle is not exchanged. The liquid drawn into the needle is discharged into an empty washing port which has a discharge outlet. Once the rinsing liquid is discharged into the washing port, the washing port releases the emitted rinsing liquid through the discharge port.

Thus, it is considered apparent that Goto fails to teach "a second rinsing section for rinsing said needle by soaking said needle in a second rinsing liquid in a second rinsing bath, in which the second rinsing liquid in said second rinsing bath is exchanged during the rinsing operation". Rather, the only teaching of a rinsing liquid exchange made in Goto is in reference to the waste emitted from the needle. There is no discussion or suggestion in Goto whereby the needle is soaked in a rinsing bath while the rinsing liquid therein is exchanged.

The specification of the present application refers to a problem with existing rinsing baths (as taught by Goto). The problem is that following the soaking of the needle, leftover sample liquid remains in the bath. Subsequent soaking of the needle could result in the leftover sample liquid in the rinsing bath contaminating the

needle. Thus, by exchanging the rinsing liquid in a rinsing bath during the rinsing operation, any leftover sample liquid is removed from the liquid bath. In this manner, the invention of claim 1 solves a problem associated with automatic samplers.

Consequently, it is asserted that Goto fails to teach all features of claim 1, and therefore the anticipation rejection is without merit. Reconsideration and withdrawal of the rejection of claim 1 is requested. Claim 2 depends from claim 1 and is likewise considered allowable over the art. Further, new claim 5 has been added for consideration. New claim 5 depends from claim 1 and further defines the sampler as including a pump element to facilitate in the exchange of rinsing liquid in the second rinsing bath. Favorable consideration of new claim 5 is requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. NGB-15306.

Respectfully submitted,

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